

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KATHLEEN MAKINEN and JAMIE NARDINI,

Plaintiffs,

-against-

CITY OF NEW YORK; RAYMOND W. KELLY, as
Police Commissioner of the City of New York; NEW
YORK CITY POLICE DEPARTMENT; and SERGEANT
DANIEL J. SWEENEY, individually and in his official
capacity,

Defendants.
-----X

**NOTICE OF MOTION FOR
JUDGMENT AS A
MATTER OF LAW OR, IN
THE ALTERNATIVE, A
NEW TRIAL**

Docket No. 11 CV 7535 (ALC)

PLEASE TAKE NOTICE that, upon the annexed declaration of Yuval Rubinstein, dated July 2, 2015, the exhibits annexed thereto, the supporting memorandum of law dated July 2, 2015, and upon all the prior proceedings had herein, defendants City of New York, Raymond W. Kelly, and Sergeant Daniel J. Sweeney (“defendants”), by their attorney, Zachary W. Carter, Corporation Counsel of the City of New York, will move this Court, before the Honorable Andrew L. Carter, Jr., United States District Judge for the Southern District of New York, 40 Foley Square, New York, New York, 10007, on such day when counsel may be heard, for an order pursuant to Rule 50 of the Federal Rules of Civil Procedure for judgment as a matter of law in defendants’ favor, or in the alternative, for an order pursuant to Rule 59 of the Federal Rules of Civil Procedure for a new trial, and for such other and further relief as to this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's Order, dated June 22, 2015, opposition papers, if any, are to be served on or before July 23, 2015, and any reply papers are to be served on or before August 13, 2015.

Dated: New York, New York
July 2, 2015

ZACHARY W. CARTER
Corporation Counsel of the City of New York
Attorney for Defendants
100 Church Street, Room 2-115
New York, New York 10007
212-356-2467

By: _____/s/
Yuval Rubinstein
Christopher S. Bouriat
Assistant Corporation Counsel

To: Lisa F. Joslin (via ECF)
Peter N. Sinclair (via ECF)

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Defendants.

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ZACHARY W. CARTER

Corporation Counsel of the City of New York

*Attorney for Defendants
100 Church Street 2-115
New York, New York 10007*

*Of Counsel: Yuval Rubinstein
Tel: (212) 356-2467*

Due and timely service is hereby admitted.

New York, N.Y....., 201_

..... Esq.

Attorney for.....